



Anna Litz photo

Scott Slater checks chlorine levels and temperatures Friday at his pub, Whiskers, in north Ocean City.

# Health inspectors shorthanded

■ Worcester unable to monitor OC's 432 restaurants as thoroughly as county should

By Jay Hodgkins  
Staff Writer

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OCEAN CITY — How many years the old owners of Whisker's Pub operated the 120th Street restaurant in woeful violation of state health codes, new owner Scott Slater doesn't know.

What Slater also doesn't know is how the business' lack of sanitation never resulted in any major food-borne illnesses or how the Worcester County Health Department hadn't shut the place down long ago.

"We saw them cooking eight or 10 burgers and they'd sit in a pan next to the grill for five or six hours. It was pretty bad. I can't believe somebody didn't get sick," Slater said.

"I don't know how they got away with it so long. Inspectors have been hard on us in here all the time, but I can't see how they let them go so long," Slater said.

Slater and Julie Beach bought Whisker's in November

2005 from a business owner who had operated the pub for 15 years, according to Slater.

The new owners have rebuilt an entire kitchen, built a new bar and have a clean record so far with health department inspectors. But just before they bought the establishment, previous owner Albert J. Robertazzi Jr. was warned in September 2005 that Whisker's had 30 days to clean up or get shut down, according to inspection records.

Inspectors finally cited Whisker's for violations, but Slater said food had been stored on the ground, salad dressings had been left out uncovered at room temperature and regular home refrigerators had been used for years before his new ownership came in.

With 432 restaurants in Ocean City and West Ocean

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## Recent violations

Following are the nine Ocean City-area restaurants warned to improve unsanitary conditions by inspectors of the Worcester County Department of Environmental Health between November 2002 and November 2005. All information was obtained from inspector reports.

■ Tubby's, 5904 Coastal Highway, September 2003, two critical violations and 19 overall

— dirty grease trap filters, no working freezer thermometers. September 2005, one critical violation and seven overall — lots of flies in the kitchen, dirty drink areas, dirty cutting boards.

■ Bagels N' Buns, 7111 Coastal Highway, September 2005, two critical violations and 15 overall — infestation of fruit flies, dirty pans and racks, dirty equipment, no soap or hand towels in sink, several foods kept too warm and too cool, unlabeled food stored, food stock kept on floor.

■ Popeye's Famous Fried Chicken,

9501 Coastal Highway.

July 2003, two critical violations and 12 overall — gravy and macaroni and cheese kept too cool, dirty chicken prep table, flies, not reheating foods to high enough temperatures.

September 2003, two critical violations and 14 overall — leaking ceiling, chicken kept too cool, dishes washed using only water.

■ Davinci's, Atlantic Avenue at 15th Street, September 2005, 14 violations — dirty can opener, dishwasher improperly washing dishes, sauces not reheated to high enough temperature, dirty restrooms, no proper hand washing, dirty cutting board

■ Happy Jack Pancake House, 2504 Philadelphia Ave. July 2003, mice and mouse droppings found on shelves. April 2004, excessive hand contact with cooked food. July 2005, 15 violations — dishwashing machine not using

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## RESORT, From Page A1

City, of course isolated tales of foul food sanitation are likely, but Ed Potetz, director of environmental health and head of all inspections in Worcester County, is the first to admit his staff is shorthanded and can't monitor as thoroughly as they should.

Potetz even guessed if his staff could be everywhere, they'd find a critical violation at fully half of the restaurants in Ocean City.

"We're not inspecting restaurants as much as we need to," said Potetz. "We'll never be able to meet state mandates, to tell you the truth. I've always been honest about that."

### Three inspections per year

Maryland mandates that high-volume restaurants should be inspected three times a year, medium ones inspected at least twice a year and small restaurants at least once a year, and Potetz said he would need six full-time staff members dedicated solely to food inspections to accomplish that — he has zero solely dedicated with only five full-time employees for all projects.

The reason that's dangerous to any of the 8 million or so visitors to Ocean City each year is that the Centers for Disease Control reports that 76 million people — one in four Americans — contracts a food-borne illness each year resulting in 325,000 hospitalizations and 5,000 deaths each year.

Potetz said in Ocean City there were 20 complaints of illness in 2005 and 25 complaints in 2004, with one confirmed outbreak of two or more people

## Editor's note

Daily Times staff writers and editors spent several months researching this story. At first refusing to provide inspection documents, the Worcester County Health Department complied with a Freedom of Information Act request and turned over its records. Inspection records and health

officials revealed an inability to properly fulfill state regulations with regard to safeguarding healthy practices at Ocean City's and West Ocean City's 432 eating establishments, due in large part to insufficient staffing and economic pressures in the highly popular tourist destination.

getting sick from food in each of those years — the larger of the two occurring at Tequila Mockingbird in June 2004.

Illnesses are usually caused by a bacteria or virus resulting in nausea, vomiting, diarrhea and fever, according to CDC.

Worcester County Health Department official Becky Shockley declined to answer how quickly food-borne illness outbreaks can spread or answer what negative results of lingering poor sanitation conditions in restaurants can lead to and said she didn't want to discuss dangers of poor sanitation, instead insisting on a desire to focus on prevention.

"It's an undeniable factor that the local Chamber of Commerce and elected officials put pressure on whoever is the head of that department because that person is a political hire and if the place is dependent on tourism, they don't want to scare tourists away," said Reggie James, a Consumers Union official and director of NotInMyFood.com.

### Live with the violations?

Town of Ocean City Spokeswoman Donna Abbott

said the conservative estimate is that tourists spend \$2 billion per year in Ocean City on hotel rooms and food alone, and the health department has no means to cut into those profits as Potetz said his inspectors have no power to fine, only warn and eventually close restaurants if they don't come into compliance and don't appeal their closures.

James said it made sense the health department would keep issues that could hurt resort business quiet, but also warned that a rank-and-file inspector like Potetz wasn't to blame for a lack of regulation.

"Local health departments have the experience and desire, but frequently don't have the power and resources to do anything," James said. "It's the will of (inspectors) to do the job and resist political pressures of the heads of their



departments, but I've seen the rank and file try to do the right thing and get fired."

James' comments ring true in Worcester County where Potetz's five employees are responsible for inspecting 632 restaurants in the county, more than 500 pools and spas and an unknown amount of temporary locations such as food booths at festivals.

Potetz said he has no staffer devoted full-time to food inspections. They're not even inspecting restaurants right now because they have so many pools to inspect, he said.

For permanent food establishments alone, Potetz said, "To meet the state standards based on different types of inspections, we're expected to do over 1,100, not including follow-ups (after violations are discovered)."

But Potetz is proud of what his inspectors accomplish. He said there have been only two recent food-borne illness outbreaks between November 2002 and November 2005, and his department only had to warn 10 establishments to clean up their act or get shut down — all got in line.

He and Shockley said a tireless focus on education and prevention is working very well for the most part in the resort.

"We're one of the few departments that work the whole week, and we know what that feels like at the end of the week," Potetz said. "We have a very large program and a very small staff. Our hands are full right now."

Potetz said his staff size is based off year-round county residents, a standard he calls ridiculous considering tourism here. He said Howard County has seven full-time employees dedicated solely to restaurant health inspections for that county's 684 establishments.

Wicomico has three for 400 establishments while Worcester County has 632 establishments and zero staffers fully dedicated to being restaurant watchdogs.

Even worse for the public, though, according to Consumers Union bioscientist Michael

Hansen, is that Congress is attempting to pass legislation to preempt any state and local food safety regulations with weaker federal regulations to be applied nationally.

"The most important thing in the short term is what little local (inspection) you have there needs to be protected from the National Federal Uniformity Act," Hansen said. "We're playing a craps game and hoping nothing comes through."

Although food safety monitoring could decrease, Potetz said his team is still just trying to make do by focusing more inspections on known offenders and giving historically sanitary operators more of a free pass.

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